

Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and must ensure that the material is available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Operating and Environmental Standards, room 1210, 2100 Second Street SW., Washington, DC, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:

*International Maritime Organization (IMO)*, 4 Albert Embankment, London, SE1 7SR, England. The STCW—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 and 1997 (the STCW Convention, or the STCW)—and Seafarers' Training, Certification and Watchkeeping Code (the STCW Code), approved for incorporation by reference in sections 12.01-1; 12.01-6; 12.02-7; 12.02-11; 12.03-1; 12.05-3; 12.05-7; 12.05-11; 12.10-3; 12.10-5; 12.10-7; 12.10-9; 12.15-3; 12.15-7; 12.25-45; 12.30-5; and 12.35-5 of this part.

[USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

#### § 12.01-6 Definitions of terms used in this part.

*Approved* means approved by the Coast Guard in accordance with 46 CFR 10.302.

*Coast Guard-accepted* means that the Coast Guard has officially acknowledged in writing that the material or process at issue meets the applicable requirements; that the Coast Guard has issued an official policy statement listing or describing the material or process as meeting the applicable requirements; or that an entity acting on behalf of the Coast Guard under a Memorandum of Agreement has determined that the material or process meets the applicable requirements.

*Conviction* means the applicant for a merchant mariner's document has been found guilty by judgment or plea by a

court of record of the United States, the District of Columbia or any State or territory of the United States of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982 (49 U.S.C. 30304). If an applicant pleads guilty or no contest, is granted deferred adjudication, or is required by the court to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forego appeal of a trial court's conviction, then the applicant will be considered to have received a conviction. A later expungement of the conviction will not negate a conviction unless it is proved to the OCMI that the expungement is based upon a showing that the court's earlier conviction was in error.

*Designated examiner* means a person who has been trained or instructed in techniques of training or assessment and is otherwise qualified to evaluate whether a candidate for a license, document, or endorsement has achieved the level of competence required to hold the license, document, or endorsement. This person may be designated by the Coast Guard, or by a Coast Guard-approved or accepted program of training or assessment. A faculty member employed at a State maritime academy or the U.S. Merchant Marine Academy operated in accordance with regulations in 46 CFR part 310 and instructing in a navigation or engineering course is qualified to serve as a designated examiner in his or her area(s) of specialization without individual evaluation by the Coast Guard.

*Evaluation* means processing an application, from the point of receipt to approval or rejection of the application, including review of all documents and records submitted with an application as well as those obtained from public records and databases.

*Fails a chemical test for dangerous drugs* means that the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "positive" for the presence of dangerous drugs or drug metabolites in an individual's system by a Medical Review Officer in accordance with that part.

## § 12.01-7

*National Driver Register* (NDR) means the nationwide repository of information on drivers maintained by the National Highway Traffic Safety Administration as provided under 49 U.S.C. Chapter 303.

*NDR listed convictions* means a conviction of any of the following motor vehicle-related offenses or comparable offenses:

- (a) Operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; or
- (b) A traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

*Original document* means the first merchant mariner's document issued to any person by the Coast Guard.

*Passes a chemical test for dangerous drugs* means the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "negative" by a Medical Review Officer in accordance with that part.

*Practical demonstration* means the performance of an activity under the direct observation of a designated examiner for the purpose of establishing that the performer is sufficiently proficient in a practical skill to meet a specified standard of competence or other objective criterion.

*Qualified instructor* means a person who has been trained or instructed in instructional techniques and is otherwise qualified to provide required training to candidates for licenses, documents, and endorsements. A faculty member employed or at a State maritime academy or the U.S. Merchant Marine Academy operated in accordance with 46 CFR part 310 and instructing in a navigation or engineering course is qualified to serve as a qualified instructor in his or her area(s) of specialization without individual evaluation by the Coast Guard.

*Qualified rating* means various categories of Able Seaman, Qualified Member of the Engine Department, Lifeboatman, or Tankerman endorsements on merchant mariner's documents.

*Standard of competence* means the level of proficiency to be achieved for the proper performance of duties on

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board vessels in accordance with national and international criteria.

*STCW* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (incorporated by reference in § 12.01-3).

*STCW Code* means the Seafarer's Training, Certification and Watchkeeping Code.

*STCW endorsement* means a certificate or endorsement issued in accordance with STCW. An STCW endorsement issued by the Officer in Charge, Marine Inspection (OCMI), will be valid only when accompanied by the appropriate U.S. license or document; and, if the license or document is revoked, then the associated STCW endorsement will no longer be valid for any purpose. References to STCW placed on a U.S. license or merchant mariner's document will suffice as STCW endorsements for the mariner serving on a vessel operating exclusively on a domestic voyage (i.e., to and from U.S. ports or places subject to U.S. jurisdiction).

[CGD 91-002, 58 FR 15238, Mar. 19, 1993, as amended by CGD 91-223, 60 FR 4525, Jan. 23, 1995; CGD 91-212, 60 FR 65487, Dec. 19, 1995; CGD 95-062, 62 FR 34534, June 26, 1997; CGD 97-057, 62 FR 51042, Sept. 30, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

### § 12.01-7 Regional Examination Centers.

Licensing and Certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	Toledo, OH
New York, NY	San Pedro, CA
Baltimore, MD	San Francisco, CA
Charleston, SC	Seattle, WA
Miami, FL	Anchorage, AK
New Orleans, LA	Juneau, AK
Houston, TX	Honolulu, HI
Memphis, TN	Portland, OR
St. Louis, MO	

Where the term *Officer in Charge, Marine Inspection*, or *Marine Inspection Office* is used within the context of this part it is to mean that *Officer* or *Office* at one of the above listed locations.

[CGD 82-033, 47 FR 28679, July 1, 1982, as amended by CGD 91-002, 58 FR 15239, Mar. 19, 1993; USCG-2000-7790, 65 FR 58458, Sept. 29, 2000]